

Guidelines on Freezing

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1 Preface

The objective of this set of guidelines is to provide guidance relating to freezing measures for enterprises, individuals and authorities in Denmark. The Guidelines aim primarily to assist the enterprises, individuals and authorities that implement freezing of funds and economic resources, as well as the individuals and enterprises that become subject to the imposition of freezing. The Guidelines describe the obligations and rights that proceed from imposition of freezing.

In Denmark several authorities form part of the cooperation concerning freezing for which reason the Ministry of Justice and Ministry of Foreign Affairs have contributed to the Guidelines.

The Danish Business Authority

1.1 Abbreviations

The Authority:	The Danish Business Authority.
FIU:	Financial Intelligence Unit, The State Prosecutor for Serious Economic and International Crime.
Terrorist lists:	Annexes listing the names of individual persons, entities and groups whose funds and economic resources are subject to freezing. The annexes are attached to the EU regulation on combating terrorism and financing of weapons of mass destruction.
Lists of names:	Annexes listing the names of individual persons, entities, groups, organisations, etc. whose funds and economic resources are subject to freezing. The annexes are attached to the EU regulations that do not relate to terrorism og financing of weapons of mass destruction.
UN's freezing lists:	Annexes listing the names of individual persons, entities and groups whose funds and economic resources are subject to freezing. The annexes are based on the UN's Security Council resolutions on combatting terrorism, financing of weapons of mass destruction and sanctions against third countries.
Designated:	Person or entity designated by the UN or the EU whose funds and economic resources are subject to freezing.

1.2 Definition of sanctions

Sanctions are restrictive measures adopted by the UN and/or the EU against countries and/or individual persons, groups, legal entities, bodies, etc. The extent of the restrictions varies, but restrictions most often encompass a weapons embargo, entry ban and freezing of funds and economic resources. In some cases, sanctions also involve a ban on import and export of other products than weapons, e.g. dual-use items, investments, loan and credits.

These Guidelines deal solely with freezing of funds and economic resources.

1.3 Freezing

Freezing is defined as restrictions on free access by designated individuals or entities to any funds and economic resources owned or controlled by natural or legal persons, groups or entities subject to the restrictions. All funds and economic resources must be frozen. No financial funds or economic resources shall be made available to designated persons or entities. Neither shall financial services be supplied to designated persons or entities.

1.4 Sanctions against terrorism and financing of weapons of mass destruction

The EU has passed a number of legislative initiatives relating to terrorism and financing of weapons of mass destruction (cf. sanctions against Iran and North Korea) that re-

quires freezing of all funds and economic resources belonging to persons and organisations listed in the annexes (terror lists) to the regulations. The terror lists are regularly updated.

For a complete overview of EU's sanctions relation to terrorism, Iran and North Korea please see "EU sanctions Map":

<https://www.sanctionsmap.eu/#/main>

1.5 Sanctions against third countries

Sanctions against third countries include all other sanctions directed against countries outside the EU and which do not relate to terrorism. This group includes, for instance, the sanctions against Libya, Russia, Syria, Zimbabwe, Venezuela etc. These sanctions also require freezing of all funds and economic resources belonging to persons and organisations listed in the annexes (lists of names) to the regulations.

A complete list of sanctions in force may be found in the "EU Sanctions Map" at:

<https://www.sanctionsmap.eu/#/main>

The Ministry of Foreign Affairs' website also include a list of all countries subject to EU's sanctions:

<https://um.dk/da/udenrigspolitik/folkeretten/sanktioner/gældende-sanktioner/> (Danish)

1.6 Thematic EU restrictions

Thematic EU restrictions on the other hand are sanctions directed against specific areas of concern. This applies, for instance, to the sanctions against the proliferation and use of chemical weapons and against cyber-attacks. These sanctions also require freezing of all funds and economic resources belonging to natural and legal persons and organisations listed in the annexes (lists of names) to the regulations. The sanctions are processed in the same way as in section 3.2 *Matching names in relation to EU sanctions against third countries*.

A complete list of thematic restrictions in force may be found in the "EU Sanctions Map" at:

<https://www.sanctionsmap.eu/#/main>

The Ministry of Foreign Affairs' website also include a list of all EU's thematic restrictions:

<https://um.dk/da/udenrigspolitik/folkeretten/sanktioner/gældende-sanktioner/> (Danish)

2 Concepts

2.1 Third countries

The term 'third country' is used with reference to countries that are not EU Member States. All EU regulations on sanctions are directed against third countries and individuals and entities connected with the third countries in question. However, with the exception of regulations against terrorism.

2.2 Funds

'Funds' are defined as: financial assets and economic benefits of every kind, including but not limited to cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; publicly and privately traded securities and debt instruments, including stocks and shares, certificates presenting securities, bonds, notes, warrants, debentures, derivatives contracts; interest, dividends or other income on or value accruing from or generated by assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export-financing.

2.3 Economic resources

'Economic resources' are defined as: assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services.

2.4 Freezing of funds

'Freezing of funds' is defined as: preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management.

2.5 Freezing of economic resources

'Freezing of economic resources' is defined as: preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them.

2.6 Sanctions committees

In connection with the adoption by the UN Security Council of resolutions against a country, the Security Council sets up a Sanctions Committee, which is to monitor and report to the Security Council the progress of the implementation and compliance of the resolution(s) in question and makes decisions on designations and exemptions. UN's sanctions committees are often assisted by a panel of experts.

2.7 Matching names

Matching names means that, for instance, a financial institution or an enterprise has observed that one of its customers has a name that entirely or partially matches a name on the terrorist lists or a list of names in the annex of one of the other regulations on financial sanctions. Same or similar names may also relate to business connections, tenants, etc.

2.8 Matching identities

Matching identities means that, for instance, a financial institution or an enterprise has observed that one of the individuals, enterprises, organisations or similar, in its lists of customers has a name and personal information that are a 100 per cent match with a name on the terrorist lists or a list of names in the annex of one of the other regulations on financial sanctions.

2.9 *Making indirectly available*

The EU has adopted guidelines on ownership and control for the investigation of making indirectly available to listed persons or entities that are subject to freezing. Companies can make use of the guidelines in order to establish if the person or entity, whom they are doing business with, is controlled or owned by a person or entity subject to freezing. The EU guidelines are available on the Authority's website at:

https://eksportkontrol.erhvervsstyrelsen.dk/sites/default/files/eu-guidelines-indirekte_0.pdf

2.10 *De-listing*

'De-listing' is when the UN or the EU removes a designated person(s) or entity(-ies) from the terror lists or list of names if they are no longer subject to freezing. This means that the funds and economic resources of those persons or entities no longer must be frozen.

3 *Matching names*

3.1 *Matching names in relation to sanctions against terrorism and Iran and North Korea*

Pursuant to the regulations against terrorism and Iran and North Korea in relation to financing of weapons of mass destruction, a person, enterprise, authority or body that is in possession of funds or economic resources associated with the person or entity that bears the matching name must, on its own initiative, freeze the funds or the economic resources, in accordance with the relevant sanctions regulation. *This, however, **shall not apply** to the names listed in Council Common Position 2001/931/CFSP which are marked with an asterisk (*). In such cases, the FIU is responsible for organizing the assessment of any grounds for seizure pursuant to the Administration of Justice Act, section 74, subsections 801-807(f). When it comes to violations of the Danish penal code chapter 12 and 13, the Danish Security and Intelligence Service (PET) is the competent authority and therefore has the investigative competence.*

If the assessment indicates that the customer or enterprise relates to a person on the terror list, the financial institution or enterprise must immediately stop the transaction and make an assessment whether there is a duty to freeze the funds. If the funds must be frozen, this should be done immediately. As soon as possible hereafter, the Danish Business Authority must be notified of the freezing.

Notifications about freezing to the Danish Business Authority must be sent to the e-mail address eksportkontrol@erst.dk, alternatively via e-Boks to the Danish Business Authority, attn. Eksportkontrol.

If, in connection with a customer relationship, transfer of money to or from a foreign country or similar, a customer or party to the transaction with a name matching a name appearing in one of the terror lists, the financial institution must assess whether the customer or party to the transaction is identical to the listed person or entity. If the financial institution cannot deny that this is the case, the financial institution must notify the FIU and halt the transaction, as funds cannot be made available to the party potentially subject to sanctions.

In that case, the FIU is responsible for organizing the assessment of any grounds for seizure pursuant to the Administration of Justice Act, section 74, subsections 801-807(f). In accordance with section 26(4) of the Act on Preventing Money Laundering and Financing of Terrorism, the transaction can then only be carried out if there is no basis for imposing such seizure.

3.2 Matching names in relation to EU sanctions against third countries

Pursuant to the regulations against third countries, a person, enterprise, authority or organisation that is in possession of funds or economic resources related to the person or entity that bears an identical or similar name must, on its own initiative, freeze the funds or economic resources, in accordance with the relevant sanctions regulation.

It rests upon the person, enterprise, authority or organisation to investigate if the matching name is identical with the name in question on the list. If so, freezing must take place at once. The freezing of assets must be notified to The Danish Business Authority immediately afterwards.

Notifications about freezing to the Danish Business Authority must be sent to the e-mail address eksportkontrol@erst.dk, alternatively via e-Boks to the Danish Business Authority, attn. Eksportkontrol.

3.3 Matching names in relations to UN's freezing lists concerning terrorism and Iran and North Korea

Those entities and persons subject to section 34a of the Act on Preventing Money Laundering and Financing of Terrorism are obliged to freeze without delay the funds that are owned or controlled by persons, entities and bodies whose name is published in the Danish Business Authority's website. The obligation no longer applies if the name of the person, entity or body is removed from the website.

The Authority updates immediately its website according to the UN's updates of the freezing lists, cf.:

<https://eksportkontrol.erhvervsstyrelsen.dk/fns-indefrysningstlister> (Danish)

Pursuant to the UN's resolutions against terrorism and financing of weapons of mass destruction (cf. UN's Resolutions against Iran and North Korea), a person, enterprise, authority or body that is in possession of funds or economic resources associated with the person or entity that bears the matching name must, on its own initiative, freeze the funds or economic resources, in accordance with the relevant sanctions regulation.

If the assessment indicates that the customer or enterprise relates to a name in the UN freezing list, the financial institution or enterprise must freeze without delay in compliance with the Resolution and immediately afterwards notify the Danish Business Authority and the FIU of the freezing.

Notifications about freezing to the Danish Business Authority must be sent to the e-mail address eksportkontrol@erst.dk, alternatively via e-Boks to the Danish Business Authority, attn. Eksportkontrol.

If, in connection with a customer relationship, transfer of money to or from a foreign country or similar, a customer or party to the transaction with a name matching a name appearing in one of the freezing lists relating to UN's Resolutions against terrorism, Iran and North Korea, the financial institution must assess whether the customer or party to the transaction is identical to the listed person or entity. If the financial institution cannot deny that this is the case, the financial institution must notify the FIU in accordance with section 26(4) of the Act on Preventing Money Laundering and Financing of Terrorism.

In that case, the FIU is responsible for organizing the assessment of any grounds for seizure pursuant to the Administration of Justice Act, section 74, subsections 801-807(f). The transaction must only be processed, if the FIU authorizes it, according to section 26(4) of the Act on Preventing Money Laundering and Financing of Terrorism.

3.4 Matching names in relations to UN's freezing lists concerning third countries

Pursuant to the UN's resolutions against third countries, a person, enterprise, authority or organisation that is in possession of funds or economic resources related to the person or entity that bears an identical or similar name has the possibility for taking own initiative to freeze the funds or economic resources without obtaining prior permission to take this step.

It rests upon the person, enterprise, authority or organisation to investigate if the name match is identical with the name in question on the list. If so, freezing must take place at once. The freezing of assets must be notified to The Danish Business Authority immediately afterwards. In such situations no notification to the FIU is required.

Notifications about freezing to the Danish Business Authority must be send to the e-mail address eksportkontrol@erst.dk, alternatively via e-Boks to the Danish Business Authority, attn. Eksportkontrol.

3.5 Notification to the FIU in general

Independent of freezing and notifications about freezing to the Danish Business Authority, persons and companies that have a duty to report pursuant to the Act on Preventing Money Laundering and Financing of Terrorism must notify the FIU in cases where possible money laundering or financing of terrorism is suspected. The notification to the FIU is with reference to the Act on Preventing Money Laundering and Financing of Terrorism and such a notification must take place parallel with and independent of notification to the Danish Business Authority.

4 Follow-up on matching identity

When funds, typically a bank account, have been frozen pursuant to an EU regulation or UN resolution on the basis of matching identities with one of the lists of names, the terrorist lists or one of the UN freezing lists, the account holder/owner should receive notification from the financial institution or enterprise. The notification should make it explicit that the account holder/owner will not be able to withdraw funds from the account or otherwise exercise disposal of the deposit or object without prior permission from the Danish Business Authority, which is responsible for the administration of the rules on freezing. The notification should also make it explicit that any question concerning the

freezing, including any request for exemptions from the freezing, must be made directly to the Danish Business Authority.

Please contact the Danish Business Authority via e-mail eksportkontrol@erst.dk or phone number +45 3529 1500.

5 Freezing

5.1 Who is to impose freezing?

Freezing is typically implemented by financial institutions and enterprises. However, freezing may also be implemented by authorities, organisations and private individuals.

The Danish Business Authority does not determine whether funds or assets should be frozen or not. This assessment is for the individual EU-operator to perform, e.g. on the basis of the specific circumstances regarding ownership and control.

If you are of the opinion that your funds or assets have been wrongfully frozen, you should consult the party who has frozen your funds or assets. If this party decides, for example in light of new information regarding ownership and control, that your funds or assets should not be frozen, the party performing the freezing can unfreeze the funds or assets in question without an authorisation from the Danish Business Authority.

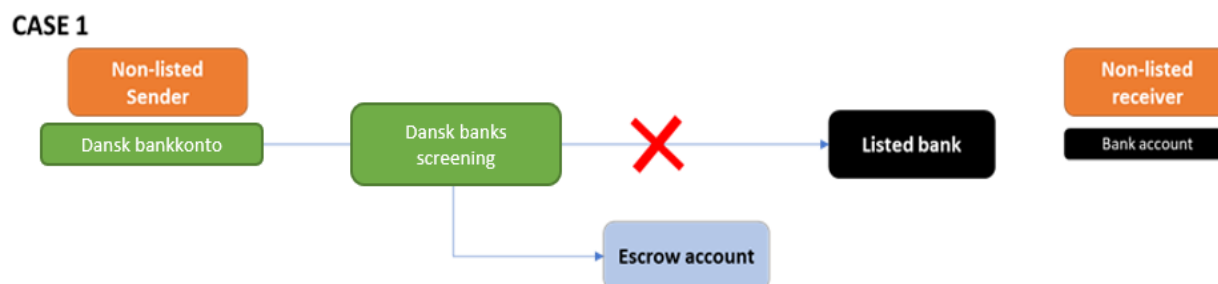
5.2 When should funds or assets be frozen?

Freezing of funds or assets should be done, when an EU-operator is in possession or has control over funds or assets belonging to, owned, held or controlled by persons or entities subject to freezing.

It is important to distinguish between the obligation to freeze funds or assets and the prohibition to make funds or assets available to persons or entities subject to freezing. Below you will find specific examples on when you should freeze funds, and when a transaction must be rejected, but where the funds should not be frozen. The examples is bases on the responsibility of the Danish bank.

Case 1:

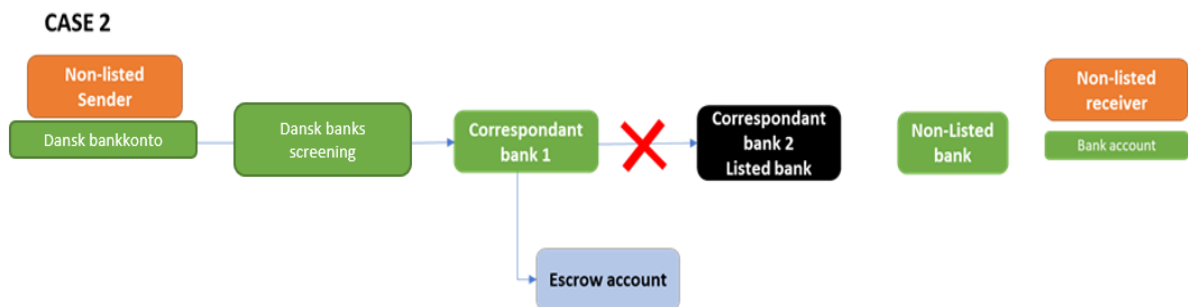
A remitter, who is not subject to freezing, attempts to transfer funds using a **Danish bank** to a receiver, who is not subject to freezing. The receiver has an account in a bank subject to freezing.



The funds should not be frozen. The transaction must be rejected, as it is prohibited to make funds available, directly or indirectly, to a party subject to freezing – in this case the receiver's bank.

Case 2:

A remitter, who is not subject to freezing, attempts to transfer funds using a **Danish bank** to a receiver, who is not subject to freezing. The receiver has an account in a bank that is not subject to freezing, but the transaction would be going through a correspondent bank who is subject to freezing.

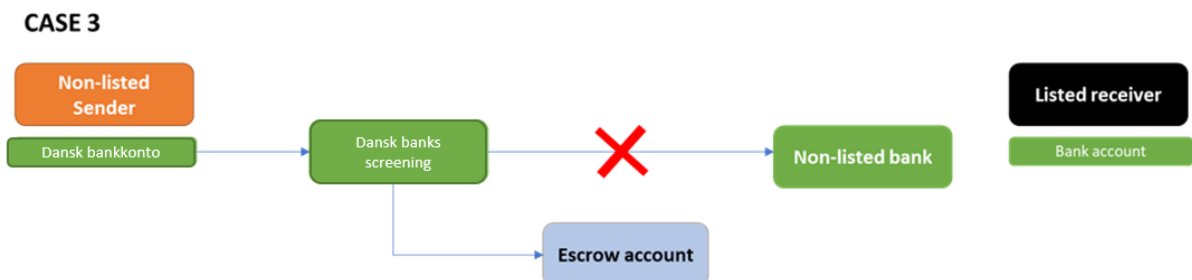


The funds should not be frozen. The transaction must be rejected, as it is prohibited to make funds available, directly or indirectly, to a party subject to freezing – in this case the correspondent bank.

On the other hand, freezing should be done in the following situations;

Case 3:

A remitter, who is not subject to freezing, attempts to transfer funds using a Danish bank to a receiver, who is subject to freezing. The receiver has an account in a bank that is not subject to freezing.

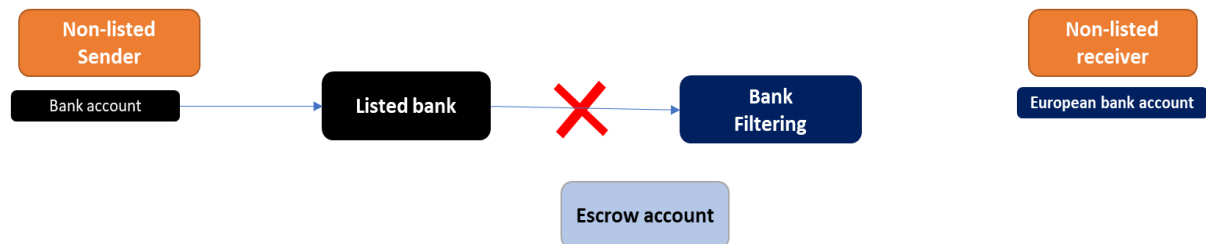


The funds should be frozen, as this is an attempt to transfer funds directly to a party subject to freezing.

Case 4:

A remitter, who is not subject to freezing, attempts to transfer funds using a **foreign bank** subject to freezing to a receiver who is not subject to freezing. The receiver has an account in a Danish bank that is not subject to freezing.

CASE 4



The funds should be frozen, as a bank subject to freezing has held the money, even if it is for a brief period.

5.3 Reporting information on freezing pursuant to EU regulations and UN's freezing lists

When a freezing has been imposed pursuant to an EU regulation or a UN freezing list, the Danish Business Authority must be notified of the matter immediately. The notification should, to the extent possible, include the following information:

- The name and address of the account holder/owner.
- Account number/description of items, or similar.
- Specification of the amount of the value of deposits/the value of items as per the date of the freezing.
- Statement of postings in accounts, or similar.
- Other relevant information.

The Danish Business Authority must convey the information received pursuant to an EU regulation, which is subject to confidentiality, to the EU Commission, which is also under obligation to treat the information as confidential.

5.4 Requirements in relation to freezing

The financial institution or the enterprise that implements the freezing is obligated to ensure that the frozen assets are not managed in a way which causes them to lose value unnecessarily or otherwise forfeit the rights of the frozen assets to the extent that the administration of the assets is not in breach of the EU regulation or UN resolution pursuant to which the freezing was imposed.

5.5 Crediting of interest accruals, and similar, relating to frozen accounts

Interest or any other earnings accruing to a frozen account or amounts due under contracts, agreements or obligations entered into prior to the date of the imposition of freezing may be credited to the account, subject to the provision that such funds are to be frozen immediately. The Danish Business Authority must be informed immediately of such transactions.

5.6 Consequences of freezing

Freezing means that the designated person or entity as a point of departure no longer has the right of disposal relating to the frozen funds or economic resources. The financial institution or enterprise that has implemented the freezing must deny the designated person or entity access to the frozen assets. The designated person or entity must obtain permission from the Danish Business Authority to gain access to the frozen assets.

If the freezing is imposed on items of personal property, the frozen assets may in certain situations be used by the designated person or entity, as long as the frozen assets are not used for obtaining funds, goods, services, and similar, which are prohibited under the EU regulation.

It is important to emphasise that the designated person or entity does not forfeit the property rights to the frozen assets.

6 Exemptions from freezing

All EU regulations concerning freezing provide provisions on the possibility of exemptions from imposed freezing of certain assets, when certain conditions are met. There are primary three types of possibilities for obtaining exemption from freezing. All the exceptions are subject to permission from the authorities. Permission to lifting of freezing can be granted if the assets are necessary for the purpose of:

- a. Exemptions granted for humanitarian reasons, for instance for payment of basic living costs, including foods, rent or mortgage payments for housing, medicine and medical treatment, tax, insurance premium and public rate payments.
- b. Fees and reimbursement of costs incurred in connection with legal assistance concern payment of a reasonable fee and compensation of expenditures in connection with legal assistance.
- c. Extraordinary expenditures concerning payment of necessary extraordinary expenditures. These costs are not defined in detail and are based on an assessment of the concrete situation by the authorities.

In certain EU regulations, for instance concerning Iran and Syria, additional exemptions are included.

7 Application for exemptions from freezing etc.

7.1 Who can apply for exemption from freezing?

- The designated person or entity or a representative of either may apply for permission to lift the freezing of certain frozen assets.
- A person, enterprise or authority that has a legal claim against the designated person or entity may also submit an application for permission to lift the imposed freezing, for instance in connection with the payment of invoices, settlement of contracts, and similar, which do not relate to matters that are in contravention of the sanctions.

7.2 Required information to be submitted with an application for exemption

Application for permission to lift the imposed freezing of certain assets must be submitted to the Danish Business Authority and to the extent possible include the following information:

- Applicant's name, address, telephone number, e-mail address and if a company also company registration number.

- If it is a person: the name and address of the designated person whom the request for permission to lift the imposed freezing concerns.
- If it is a company or an organisation: the name, address and company registration number of the designated company or organisation whom the request for permission to lift the imposed freezing concerns.
- Reference to the regulation and specific article that provides the basis for the application.
- The reason for the application for permission to lift the imposed freezing.
- Documentation substantiating the reason for the application for permission to lift the imposed freezing, for instance a copy of a contract, invoice or statement from an authority, medical practitioner, or similar, as relevant to the reason for the request.
- Information on name, address and possibly company registration number of the recipient of the amount.
- Information on the desired destination of the amount, for instance the name and address of the bank, account number, and similar.

The Authority may require further information from the applicant or the applicant's representative where the Authority deems it necessary for the further processing of the request.

If an enterprise that has a legitimate claim against a designated person or entity requests permission to lift the freezing, it will be a prerequisite that the designated person or entity acknowledges the claim. If the designated person or entity does not acknowledge the claim, the parties must settle the dispute between them before the Authority will be able to consider whether to grant or deny the application for permission to lift the freezing.

The application with relevant documentation may be sent to eksportkontrol@erst.dk, alternatively via e-Boks to the Danish Business Authority, attn. Eksportkontrol.

7.3 Processing of applications

The Danish Business Authority confirms the receipt of the application. In order to process the application, it is a frequent necessity for the Authority to obtain further information from the parties involved. The Authority will also often discuss the application with other Danish authorities. In certain cases, it will be necessary to contact the authorities of other countries. When the case has been fully investigated, the Authority will decide whether the application meets the requirements for lifting of the imposed freezing.

If the Authority upon assessment decides that the request may be granted, the applicant will be notified hereof. In certain cases, the Authority will be able to grant immediate permission for the imposed freeze to be lifted. However, in some cases the regulations require that lifting of imposed freezing must be submitted for hearing in the other EU Member States and the EU Commission or must be approved by the UN sanctions committee in question.

If the Authority on the basis mentioned above reaches the assessment that the application does not meet the requirements provided in the regulation, the Authority will inform the applicant that the request cannot be granted, and the reasons for the decision. The Authority will then consider the case closed. For information on access to appeal of the decision, please refer to section 8. *Right to complain and court trial.*

All permissions to lift an imposed freeze shall be reported to the EU Commission.

8 *Right to complain and court trial*

In the cases where the Danish Business Authority has turned down a request for lifting of freezing pursuant to an EU regulation, or where a designated person or entity finds that the freezing is unwarranted, the decision may in most cases be brought before a court. Depending on the legal basis, however, the possibilities for appeal differ.

8.1 *Refusal of application for lifting of freezing*

Cases relating to a request for lifting of imposed freezing pursuant to the EU regulations on sanctions, in which the Danish Business Authority has the authority to make the final decision and has rejected an application, appeal against the decision may be brought before the Ministry of Industry, Business and Financial Affairs.

Cases relating to an application for lifting of freezing pursuant to the EU regulations on sanctions, in which the Danish Business Authority has rejected the application upon hearing of the EU Member States, the EU Council and the EU Commission, the decision may be brought before the national courts.

In cases relating to an application for lifting of freezing in which a UN sanctions committee has rejected the application, there is no possibility for appeal.

Cases relating to an application for lifting of freezing pursuant to EU Council Common Position 2001/931/CFSP and Council Regulation (EC) No. 2580/2001 on combating terrorism, where the Danish Business Authority has rejected the application, the decision may be brought before the Ministry of Industry, Business and Financial Affairs.

8.2 *Complaint about imposed freezing pursuant to an EU regulation*

Cases relating to the imposed freezing pursuant to the EU regulations on sanctions, the decision on the freezing may be brought before the national courts. The decision may, furthermore, be brought before the EU Court.

8.3 *Complaint about imposed freezing pursuant to a UN freezing list*

Cases relating to the imposed freezing pursuant to the UN freezing lists, the decision on the freezing may be brought before the Ministry of Industry, Business and Financial Affairs. Please refer to section *11 De-listing* if one finds oneself unwarranted designated by the UN.

9 *Lifting of freezing*

Freezing is lifted when the sanctions are lifted either as a whole or in relation to specific designated persons and/or entities, that is, when the UN Security Council and/or the EU decide to abolish the sanctions. In practice, this means that the UN issues a press release about the amendment. The EU decides to abolish or amend the relevant regulation, whereupon the decision is published in the form of a new regulation in the Official Journal of the European Union.

10 Duty to report

Natural and legal persons, entities and bodies are required to pass on immediately information that can facilitate the compliance of the EU regulations on sanctions, including information about bank accounts and amounts which are frozen, to the competent authority.

In Denmark the Danish Business Authority must be notified of information concerning freezing.

Notifications about freezing to the Danish Business Authority must be send to the e-mail address eksportkontrol@erst.dk, alternatively via e-Boks to the Danish Business Authority, attn. Eksportkontrol.

The national competent authorities must notify the EU Commission and the other EU Member States of imposed freezing, authorisations to lift the imposed freezing, court decisions on violations of the sanctions, and – after a concrete assessment – other relevant information. All information submitted shall be treated with confidentiality by the EU Commission and the EU Member States.

11 De-listing

If persons, groups or entities find themselves unwarranted included in a UN freezing list or an EU terrorist list or list of names and by virtue thereof find themselves subject to freezing measures (sanctions), it is possible to submit a request for removal from the list or lists (so-called de-listing).

11.1 EU procedure

The EU Member States have adopted special guidelines on de-listing. The guidelines provide, among other things, that requests for de-listing may be submitted to the Council of the European Union. The guidelines are publicly available, and may be downloaded from here:

<https://data.consilium.europa.eu/doc/document/ST-5664-2018-INIT/en/pdf>

If you wish to request to be de-listed from an EU sanctions list, please contact the EU (General Secretariat) directly:

Council of the European Union
 General Secretariat
 DG C 1C
 Rue de la Loi/Westraat 175
 1048 Bruxelles/Brussel
 Belgique/België
 E-mail: sanctions@consilium.europa.eu

11.2 UN procedure

As concerns the UN's terror freezing lists under ISIL (Da'esh) and Al-Qaida sanctions regimes, a request for de-listing may be submitted to the "UN Office of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee":

Office of the Ombudsperson

Room DC2 2206
United Nations New York, NY 10017
USA
Tel.: +1 212 963 8226
E-mail: ombudsperson@un.org

Link to the UN website on the Ombudsman:

<https://www.un.org/securitycouncil/ombudsperson/>

As concerns other UN freezing lists, a request for de-listing may be submitted to the “UN Focal Point for De-listing”:

Focal Point for De-listing
Security Council Subsidiary Organs Branch
Room DC2 2034
United Nations
New York, N.Y. 10017
USA
Tel. +1 917 367 9448
Fax. +1 212 963 1300
E-mail: delisting@un.org

Link to the UN website on Focal Point:

<https://www.un.org/securitycouncil/sanctions/delisting/delisting-requests>

If you have Danish citizenship or a residence permit in Denmark, you may also submit a request for de-listing from a UN freezing list to the:

Danish Ministry of Foreign Affairs
Asiatisk Plads 2
1448 København K
Phone : +45 33 92 06 29
E-mail : jtk@um.dk
Website : <https://um.dk/en>

Questions concerning de-listing may be directed to the Ministry of Foreign Affairs (jtk@um.dk) who can assist in the process.

11.3 General remarks on the EU procedure relating to access to filing complaints

The access to filing complaints pursuant to Article 263 of the Lisbon Treaty applies generally to any natural or legal person affected by, inter alia, EU sanctions against third countries.

12 Penalty for violation of sanctions

Violation of the EU provisions on freezing adopted with reference to Articles 60, 301 and 308 of the EC Treaty and Articles 215 and 352 of the Lisbon Treaty may be subject

to punishment pursuant to Section 110 c, subsection 3 and 4, cf. subsection 2, of the Penal Code.

12.1 Section 110 c of the Criminal Code

§110 c Any person who, intentionally or through negligence, contravenes any provisions or prohibitions that may have been provided by law for the protection of state defence or neutrality shall be liable to a fine or to imprisonment for any term not exceeding four months or, in aggravating circumstances, to imprisonment for any term not exceeding three years.

(2) Any person who, intentionally or through negligence, contravenes any provisions or prohibitions that may have been provided by law for the fulfilment of the state's obligations as a member of the United Nations shall be liable to a fine or to imprisonment for any term not exceeding four months or, in aggravating circumstances, to imprisonment for any term not exceeding four years.

(3) Any person who contravenes provisions provided by or issued pursuant to regulations passed on the authority of Articles 60, 301 or 308 of the Treaty Establishing the European Community or Articles 215 or 352 of the Treaty on the Functioning of the European Union, and which aims to interrupt or curtail the financial or economic links with one or more countries outside the European Union or similar sanctions against individuals, groups or legal persons shall be liable to the same punishment as provided in Subsection 2.

(4) Where a crime as specified in Subsections 1, 2 or 3 has been committed through negligence, the offender shall be liable to a fine or to imprisonment for a term not exceeding two years.

In cases involving intentional assistance relating to funding of terrorism, this will furthermore be encompassed by the special provisions thereon in Section 114 b of the Criminal Code.

13 Useful links

13.1 The Official Journal of the European Union

Amendments and changes to sanctions will be published in the Official Journal of the European Union, which is published electronically every day except on Sundays. The Official Journal of the European Union may be compared to the Danish Legal Gazette. Every time new amendments or changes to the regulations are published in the Official Journal of the European Union, the Danish Business Authority will issue a newsletter about the amendments and changes by e-mail to a number of interested parties, with a view to immediate investigation of the possibility of having customers or clients whose funds and economic resources are subject to the requirement for freezing.

Sign up to the newsletter “Nyheder om eksportkontrol og indefrysning” (“News on export control and freezing”) at the Authority’s website:

http://eksportkontrol.erhvervsstyrelsen.dk/nyhedsbrev_eksportkontrol/0/9

The Authority recommends that interested parties should keep informed about amendments and changes to sanctions concerning freezing. The Official Journal of the European Union may be found here:

<http://eur-lex.europa.eu/JOIndex.do?ihmlang=en>

13.2 EU database of persons and entities subject to freezing

In cooperation with four European banking organisations, the EU Commission has established an electronic database of natural and legal persons, entities, groups and bodies that are encompassed by all EU sanctions on freezing. The database has been established with a view to making it simpler for the financial sector and other parties involved to handle the name lists and terrorist lists annexed to the EU regulations on freezing. The database enables electronic handling and comparison of the name lists and terrorist lists with, for instance, customer databases. The Danish Business Authority recommends using the database. The EU database may be found here:

https://eeas.europa.eu/headquarters/headquarters-homepage/8442/consolidated-list-sanctions_en

13.3 EUR-Lex

EUR-Lex is a search function in the EU website, which makes it possible to perform searches for specific documents, including regulations. If the document number is known and the year of the regulation, EUR-Lex provides a fast way of retrieving the regulation by searching under “Document reference”. Furthermore, EUR-Lex provides a consolidated version of the regulation, i.e. a version containing all the amendments to the regulation up to a specific date in one document. EUR-Lex may be found here:

<https://eur-lex.europa.eu/advanced-search-form.html?locale=en>

13.4 UN's consolidated freezing list

The UN updates a consolidated list of all persons, legal entities, groups and bodies that are encompassed by the UN's freezing lists. The list may be found at the UN website:

<https://www.un.org/securitycouncil/content/un-sc-consolidated-list>

14 Contact

The Danish Business Authority is responsible for the administration of the EU's sanctions on freezing. However, also the FIU and the Danish Ministry of Foreign Affairs have particular roles. Please see below:

14.1 Freezing of assets and filling of complaints

The Danish Business Authority

Langelinie Allé 17

DK-2100 Copenhagen O

Phone: +45 35 29 15 00

Fax: +45 35 29 10 01

E-mail: eksportkontrol@erst.dk concerning sanctions and dual-use products

Website: <http://exportcontrols.danishbusinessauthority.dk/home/0/2>

Filing of complaints relating to decisions made by the Danish Business Authority:

Ministry of Industry, Business and Financial Affairs
Slotsholmen 10-12
DK-1216 Copenhagen K
Phone: +45 33 92 33 50
E-mail: em@em.dk

14.2 Notifications in case of matching name and/or identity in relation to EU terror lists, UN terror freezing lists, weapons of mass destruction (Iran and North Korea) and financing of terrorism

Financial Intelligence Unit
The State Prosecutor for Serious Economic and International Crime
Kampmannsgade 1
DK-1604 Copenhagen K
Phone: +45 45 15 47 10
E-mail: fiu@politi.dk
Website: <https://anklagemyndigheden.dk/en/money-laundering>

14.3 Court trial and De-listing

Ministry of Foreign Affairs
Legal Service
Asiatisk Plads 2
1448 København K
Phone : +45 33 92 06 29
E-mail : jtk@um.dk
Website : <https://um.dk/en>